

ESTTA Tracking number: **ESTTA557249**Filing date: **09/02/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Sun Mark Limited		
Entity	Limited Liability Company	Citizenship	United Kingdom
Address	428 Long Drive Greenford, Middlesex, UB6 8UH UNITED KINGDOM		

Correspondence information	Sanjay Raphael Mr 428 Long Drive Greenford, Middlesex, UB6 8UH UNITED KINGDOM sanjay@sunmark.co.uk, sunmark@sunmark.co.uk Phone:0044 (0)208575 3700
----------------------------	--

**Registration Subject to Cancellation**

Registration No	4333141	Registration date	05/07/2013
Registrant	Artisan Brewers, LLC 1933 Davis St., Ste. 177 San Leandro, CA 94577 UNITED STATES		

**Goods/Services Subject to Cancellation**Class 032. First Use: 2009/02/27 First Use In Commerce: 2012/08/31  
All goods and services in the class are cancelled, namely: Beer**Grounds for Cancellation**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	3718740	Application Date	08/18/2008
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	ROBUST ENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use:		

	Mineral and aerated waters; non-alcoholic beverages, namely, carbonated beverages; non-alcoholic cocktails and cocktail mixes; lemonade; carbonated waters, flavoured waters; soft drinks, smoothies and lemonades; sports drinks; energy drinks; isotonic drinks, hypertonic drinks and hypotonic drinks; fruit juices and fruit drinks; vegetable juices and vegetable drinks; syrups, powders, concentrates and effervescent tablets for making non-alcoholic drinks and beverages, namely, sports drinks; non-alcoholic punches; non-alcoholic malt coolers, non-alcoholic fruit drinks, non-alcoholic wines, non-alcoholic wine cocktails
--	--

Attachments	Petition for cancellation.pdf(56278 bytes ) Certificate of Service.pdf(16644 bytes )
-------------	---

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sanjay Raphael/
Name	Sanjay Raphael
Date	09/02/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In Registration Number 4333141- BLACK ROBUSTO

---

Sun Mark Limited

Petitioner

V

Artisan Brewers BDA

Applicant

---

## **Petition for Cancellation**

### **Short and plain statement of the grounds**

1. We, Sun Mark Limited of 428, Long drive, Greenford, Middlesex, UB6 8UH, United Kingdom, are the registered proprietor of the mark ROBUST ENERGY under registration number 3718740 in the USA.
2. Since our mark and the later filed mark BLACK ROBUSTO fall in the same class and having similar names, we believe this would lead to a likelihood of confusion among the relevant consumers who mistakenly believe that these two products are linked in some manner and are derived from the same company.
3. Further, we have been selling our ROBUST products in the USA extensively since July 2008 and therefore, can show earlier prior use to that of the mark BLACK ROBUSTO. If BLACK ROBUSTO exists, it will be a detrimental to our business and cause financial loss to our company.
4. This is particularly so as the word ROBUST is not commonly found on the trade mark register for these goods and services and therefore, the Applicant for cancellation believes that by allowing the contested mark onto the supplemental register will lead to a lessening of the distinctive character of the trade mark ROBUST and to which consumers are readily recognising as emanating from our company.

5. As such, the Applicant for cancellation believes that the mark on the supplemental register is detrimental to our registered right and will diminish the strength of our trade mark ROBUST.
6. For the reasons set forth herein, we believe and assert that the mark BLACK ROBUSTO will damage our USA registration 3718740 and we ask the Registry to cancel the same.

Respectfully submitted,

SUN MARK LTD

By



Sanjay Raphael  
Head of Legal Affairs  
Sun Mark Limited  
428, Long Drive  
Greenford, Middlesex  
UB6 8UH

Tel: 0044 (0)208 575 3700  
Fax: 0044 (0) 208 575 9900

### **Certificate of Service**

I, hereby certify that a copy of this PETITION FOR CANCELLATION was served on the Applicant's correspondence address at the following address of record by courier, this 02 September, 2013.

Ms CANDACE L. MOON  
LAW OFFICES OF CANDACE L. MOON  
8450 SLEEPY WAY  
EL CAJON, CALIFORNIA 92021-2000  
UNITED STATES OF AMERICA



Sanjay Raphael  
Head of Legal Affairs